

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 38

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte HELMUT LENZ, MARTIN GERBER  
and WINFRIED ALBERT

Appeal No. 93-3712  
Application 07/762,646<sup>1</sup>

ON BRIEF

MAILED

JUN 26 1995

PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

Before McKELVEY, Chief Administrative Patent Judge and WILLIAM F. SMITH and GRON, Administrative Patent Judges.

GRON, Administrative Patent Judge.

DECISION ON APPEAL

Having considered appellants' Brief On Appeal, the Examiner's Answer, appellants' Reply Brief, the Declaration of Dr. Martin Gerber, the specification, the state of the art at the

<sup>1</sup> Application for patent filed September 19, 1991. According to applicant, the application is a continuation of Application 07/657,607, filed February 19, 1991 (ABN), which is a continuation of Application 07/556,871, filed July 20, 1990 (ABN), which is a continuation of Application 06/886,240, filed July 16, 1986 (ABN).

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time the ~~application~~ was filed, and the claims on appeal under 35 U.S.C. § 134, for the reasons articulated in appellants' briefs, the examiner's rejection of Claims 1-10, 12-15 and 17-20 under the first paragraph of 35 U.S.C. § 112 is hereby reversed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR 1.136(a).

REVERSED

*Fred McKelvey*

FRED E. MCKELVEY, Chief )  
Administrative Patent Judge )

*William F. Smith*

WILLIAM F. SMITH )  
Administrative Patent Judge )

*Teddy S. Gron*

TEDDY S. GRON )  
Administrative Patent Judge )

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APPEALS  
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